

DEC 19 2007

Synthon IP Inc.

Synthon

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Gainesville, VA 20155

to **Mail Stop Appeal Brief** **from** **Philip A. Caramanica, Jr.**
USPTO

fax 571-273-8300

cc [REDACTED] **email** [REDACTED]

**date December 19, 2007
pages (7) including cover**

Re: Application No. 10/705,926
Filed: 11/13/2003
Inventors: Pavel Slanina et al.

The following are submitted herewith for filing in the above-identified application:

1. Transmittal Form PTO/SB21 (1 page);
2. Response to Notification of Non-Compliant Appeal Brief (3 pages);
3. Copy of Notification of Non-Compliant Appeal Brief (2 pages);

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PTO/SB/21 (10-07)

Approved for use through 10/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

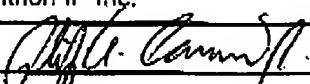
Total Number of Pages In This Submission

Application Number	10/705,926
Filing Date	November 13, 2003
First Named Inventor	Pavel SLANINA et al.
Art Unit	1624
Examiner Name	Susanna MOORE
Total Number of Pages In This Submission	Attorney Docket Number SYN-0036

ENCLOSURES (Check all that apply)

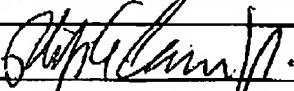
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> 1. Response to Notification of Non-Compliant Appeal Brief;
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> 2. Amended Page 1 of Appeal Brief filed November 7, 2007; and
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> 3. Copy of Notification
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Synthon IP Inc.		
Signature			
Printed name	Philip A. Caramanica, Jr.		
Date		Reg. No.	51,528

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature 

Typed or printed name Philip A. Caramanica, Jr.

Date

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 19 2007
PATENT
Atty Docket No.: SYN-0036

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Pavel Slanina et al. Confirm. No.: 7713
Serial No.: 10/705,926 Art Unit: 1624
Filed: November 13, 2003 Examiner: Susanna MOORE
For: PROCESS FOR MAKING RISPERIDONE AND INTERMEDIATES
THEREFOR

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

In response to the Notification of Non-Compliant Appeal Brief, mailed November 20, 2007, Applicants submit herewith an Amended Page 1¹ of the Appeal Brief originally filed November 7, 2007, pursuant to 37 C.F.R. §41.37(d) and MPEP §1205.03. Amended Page 1 contains an identification of claims 1-9 and 13 as those claims that are being appealed in Section III, "Status of Claims," pursuant to 37 C.F.R. §41.37(c)(1)(iii). The original Appeal Brief identified claims 1-9 and 13 as the appealed claims in Section VI, "Grounds of Rejection to be Reviewed on Appeal," but a corresponding identification was inadvertently omitted in Section III.

¹ The Notification states that "[p]lease note, the entire Appeal Brief does not need to be resubmitted." Accordingly, Applicants resubmit only Amended Page 1.

Application No.: 10/705,926

The attached Amended Page 1 has corrected this inadvertent error and properly identifies the appealed claims in Section III, "Status of Claims." The PTO's careful review of the Appeal Brief is thus greatly appreciated. Entry and consideration of the entire Appeal Brief, including Amended Page 1, is respectfully requested.

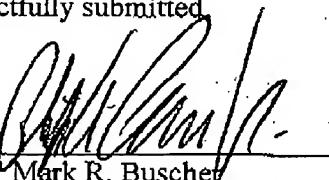
Because the fee required under §41.20(b)(2) was previously paid on November 7, 2007, no further payment is required.

Please charge any fee deficiency, and credit any over payment, to Deposit Account No. 502877.

Respectfully submitted,

Date: December 19, 2007

By:


Mark R. Buscher
Reg. No. 35,006

Philip A. Caramanica, Jr.
Reg. No. 51,528

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7130 Heritage Village Plaza
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Attachment: Amended Page 1 of Appeal Brief originally filed November 7, 2007
Copy of Notification of Non-Compliant Appeal Brief

Application No.: 10/705,926

I. Real Party in Interest

The real party in interest is Synthon IP Inc., a corporation of Virginia, which is one of several privately held companies ultimately owned by Synthon Holding BV, a corporation of The Netherlands.

II. Related Appeals and Interferences

There are no appeals or interferences, previously or currently, that are related to this application.

III. Status of Claims

Claims 1-9, 12, and 13 are pending in the application, wherein:

Claims 1-9 and 13 are rejected.

Claim 12 is objected to.¹

Claims 10, 11, and 14-39 have been cancelled.

Claims 1-9 and 13 are being appealed.

IV. Status of Amendments

An Amendment under 37 C.F.R. 1.116 was filed on September 4, 2007, and was entered into the written record by the Examiner as indicated in the Advisory Action dated September 27, 2007. Accordingly, the claims as amended "After Final" are attached in the Claims Appendix.

¹ Claim 12 now depends from claim 10 – a cancelled claim. Claim 12 should have been amended to depend from claim 9 when claim 9 was amended to incorporate the limitations of cancelled claim 10. Applicants will amend claim 12 to correct its dependency once prosecution is resumed.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,926	11/13/2003	Pavel Slaniqa	SYN-0036	7713
38427	7590	11/20/2007	EXAMINER	
SYNTHON IP INC 7130 HERITAGE VILLAGE PLAZA STE 202 GAINESVILLE, VA 20155			ART UNIT	PAPER NUMBER

NOV 26 2007

DATE MAILED: 11/20/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

DEC 19 2007

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No.	Applicant(s)
	10/705,926	SLANINA ET AL.
	Examiner	Art Unit
	MOORE, SUSANNA	1624

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address-

The Appeal Brief filed on 07 November 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.**

1. The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) Identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner and relied upon by appellant in the appeal, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. Other (including any explanation in support of the above items):

Item 2. The Appeal Brief fails to identify which claims are involved in the appeal.

Please note, the entire Appeal Brief does not need to be resubmitted.



LORENDA HOOD
PATENT APPEAL CENTER SPECIALIST